

REMARKS

This Amendment is being filed in response to the Office Action dated March 11, 2004. Claims 1-20 were pending in the application. In the Office Action, claims 1-20 were rejected. In this Amendment, new claims 21 and 22 have been added. Claims 1-22 thus remain for consideration.

Applicants submit that claims 1-22 are now in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

Double Patenting

Claims 1-14, 17 and 19 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,678,330.

As noted by the Examiner, a timely filed terminal disclaimer may be used to overcome the double patenting rejection provided the conflicting patent is shown to be commonly owned with the present application.

In the present case, the conflicting patent (U.S. Patent No. 6,678,330) is commonly owned with the application and Applicants have elected to file a Terminal Disclaimer. Accordingly, Applicants request that the double patenting rejection be withdrawn.

§102 Rejections

Claims 15, 16, 18 and 20 were rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (U.S. Patent No. 5,742,704).

Applicants submit that claims 15, 16, 18 and 20 are patentable over Suzuki.

Suzuki discloses that the variance calculating section 21 calculates a pixel value variance of the average-separated block, and outputs variance information, the histogram counting section 22 counts frequencies by performing threshold processing on the average-separated block using the variance sigma as calculated by the variance calculating section 21 and generates histogram information and the histogram information is an index to be used for judging whether a pixel block is text-like or photographic.

By contrast, Applicant's noise-amount calculation as recited in claims 15, 16, 18 and 20 is performed by obtaining the amount of noise included in the pixel data according to the histogram. Further, with regard to claim 16, the noise-amount calculation means obtains the peak value of the histogram to calculate the value corresponding to the variance having the peak value as the amount of noise. Accordingly, Applicants believe that claims 15, 16, 18 and 20 are patentable over Suzuki on at least this basis.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the

Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,



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